

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

AT CHARLESTON

GAVIN WHITE,

Plaintiff,

V.

Civil Action No: 2:11-cv-01014
(Judge _____)

ROARK-SULLIVAN LIFEWAY CENTER, INC.,

Defendant.

COMPLAINT

Plaintiff alleges and states as follows:

1. This is an action brought by plaintiff Gavin White on behalf of himself to recover damages due and owing to him as a direct result of the defendant Roark-Sullivan Lifeway Center, Inc.'s violation of federal law known as the Fair Labor Standards Act for failure to pay minimum wage to employees pursuant to 29 U.S.C. 206, Fair Labor Standards Act, Section 6. This is an individual action, as well as a proposed collective action under 29 U.S.C. §216(b), for money damages, liquidated damages equal to the amount owed, costs, injunctive relief and attorneys' fees and other relief as a result of Defendant's commonly applied policy and practice of not paying overtime in violation of federal and state wage and hour laws. Plaintiff brings this action in their individual capacity and as a class representative on behalf of all other similarly situated individual employees of the defendant who were similarly affected by defendant's violation of the Act.

2. At all times relevant and material hereto, plaintiff Gavin White was a citizen and resident of Kanawha County, West Virginia and was employed by defendant Roark-Sullivan Lifeway Center, Inc.
3. At all times relevant and material hereto, Defendant Roark-Sullivan Lifeway Center, Inc. was a West Virginia corporation and is qualified to do business and is doing business in Southern District of West Virginia, and further, operates a place of business known as the Roark-Sullivan Lifeway Center in Charleston, West Virginia and is within the jurisdiction of this Court. Further, defendant Roark-Sullivan Lifeway Center, Inc. is an employer engaged in interstate commerce as that term is defined under the Fair Labor Standards Act.
4. The United States District Court for the Southern District of West Virginia has subject matter jurisdiction over this suit under the provisions of 28 U.S.C. § 1331 because it raises questions under the Federal Fair Labor Standards Act, 29 U.S.C. § 216(b).
5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(c), because the defendant Roark-Sullivan Lifeway Center, Inc. may be found in this district and the challenged conduct occurred in this state.
6. During his employment, plaintiff Gavin White frequently works more than forty (40) hours each week, but, despite his non-exempt job duties, he was never paid wages for hours actually worked in excess of forty (40) hours per week.
7. Plaintiff Gavin White began employment with defendant Roark-Sullivan Lifeway Center, Inc. on December 20, 2010, and has been continuously employed thereafter.

8. Without limitation, defendant Roark-Sullivan Lifeway Center, Inc. would make the following specific wage and hour violations.
 - a. Failure to pay for overtime hours.
 - b. Payments made semimonthly, instead of biweekly.
9. In violation of both said Federal and State laws, defendant Roark-Sullivan Lifeway Center, Inc. failed to pay plaintiff Gavin White wages and benefits due and owing, which were earned by said plaintiff.

COUNT ONE

INDIVIDUAL CLAIM FOR VIOLATION OF THE FAIR LABOR STANDARDS ACT

10. The preceding paragraphs are re-alleged, as if restated herein.
11. Based on the foregoing, defendant Roark-Sullivan Lifeway Center, Inc.'s conduct was a violation of the Federal Fair Labor Standards Act and entitles plaintiff Gavin White to compensation for all hours in which he was not paid overtime hours worked, liquidated damages, attorneys' fees and court costs.

WHEREFORE, plaintiff Gavin White demands:

- a. Judgment against the defendants for an amount equal to loss of all wages, plus interest;
- b. Liquidated damages;
- c. Attorney fees and costs; and
- d. Such further equitable and legal relief as this Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

GAVIN WHITE

By Counsel

s/J. Michael Ranson

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